PATENT   Docket No. TVW/APP13US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS:	Antoine Boucher, et al.	
APPLICATION NO.	09/255,052	Confirmation No. 7929
FILED:	February 22, 1999	Examiner: Hoye, Michael W.
CASE NO.	TVW/APP13US	Group Art Unit: 2623
TITLE:	SYSTEM AND METHOD FOR INTERACTIVE DISTRIBUTION OF SELECTABLE PRESENTATIONS	

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Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the final Office Action of April 18, 2007 regarding the above-identified application, Applicants hereby request review of the final rejection. No Amendments are being filed with this request.

This Request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets.

REASONS FOR REQUEST

Applicants have filed, concurrently with this Request, a Notice of Appeal in the above-identified application. Applicants further request a pre-appeal review of the Examiner's rejection of the above-identified application as Applicants believe the Examiner has failed to identify the presence of essential elements required to establish a *prima facie* obviousness rejection.

As set forth in the MPEP:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.
> MPEP 2143

The Examiner Has Not Established a *Prima Facie* Case of Obviousness

The present invention teaches a system for interactive distribution of selectable presentations wherein a set of users are presented a multiplexed stream of information, and contained in this stream are multiple selectable presentations. An individual user can select a specific presentation for viewing that is multiplexed into a single stream of information along with other user selections. By transmitting the selected programs to the users in a single, multiplexed stream, the overhead at a transmitting portion of a headend device (the device supplying the information) is limited. Claim 65 specifically states: "multiplexing said selected presentations in MPEG digital format with selectable presentations selected by other users into an MPEG digital transport stream." Once a user has received the multiplexed stream, the user

is given addressing information such that the user can find their selectable programming in the multiplexed stream.

The Examiner relies on Alonso (which incorporates Bleidt by reference) as a primary reference in the rejection of all pending claims. Alonso fails to teach or suggest Applicants' claimed invention as a whole. Specifically, Alonso fails to teach or disclose at least the claimed elements of multiplexing a selectable presentation in MPEG digital video format with selectable presentations selected by other users into a single MPEG digital video transport stream. Additionally, Alonso fails to teach or disclose receiving an address message at address processing equipment at a user's location to indicate the position of the selectable presentation in MPEG digital video format in the MPEG digital video transport stream.

To overcome these deficiencies, the Examiner relies on Bleidt for the teaching of multiplexing a selectable presentation in MPEG digital video format with selectable presentations selected by other users into a single MPEG digital video transport stream as well as receiving an address message at addressable processing equipment at a user's location to indicate the position of the selectable presentation in MPEG digital video format in the MPEG digital video transport stream. Applicants respectfully submit that the multiplexer taught by Bleidt actually teaches away from the Applicants' invention.

Specifically, Bleidt teaches that a multiplexing circuit reformats data in a multiplexed manner such that a large number of users can be connected to various ports of the multiplexing circuit (Bleidt, column 6, lines 52-62). Each user is associated with a given channel. Each channel is allocated a specific slot in which the user's data is transmitted. In other words, the

multiplexing circuit of Bleidt reformats the data based on slots assigned to a user and transmits

the data accordingly. Consequently, no multiplexing of multiple selectable presentations from

multiple users is taught by Bleidt as each user has a <u>dedicated</u> slot for transmission. In other

words, the user can <u>not select a stream</u>. Additionally, there is no addressable messaging in

Bleidt as the data is transmitted along a dedicated channel directly to the user. Without a

teaching of multiplexing multiple user selected presentations into a single stream, and utilizing

an address message at the individual users to indicate the position of their respective streams in

a multiplexed signal, the rejections based on Alonso and Bleidt fail to meet the required

criteria for a 103 obviousness rejection as all limitations of the claims are not taught.

The addition of Debey and Huizer fail to bridge the substantial gap between Alonso (and

the incorporated teachings of Bleidt) and the present invention. Specifically, Debey only teaches

recording a subscriber ID when a routing computer receives a subscriber request. Huizer

discloses a method of transmitting and receiving compressed television signals along with the

capability of pausing a bit stream and resuming playback as a later time.

Both Debey and Huizer, however, fail to teach or reasonably suggest multiplexing a

selectable presentation in MPEG digital video format with selectable presentations selected by

other users into a single MPEG digital video transport stream. Moreover, both Debey and

Huizer fail to teach or reasonably suggest receiving an address message at addressable

processing equipment at a user's location to indicate the position of the selectable presentation

in MPEG digital video format in the MPEG digital video transport stream. As such,

Applicants' claimed invention is not taught by the cited prior art. The Examiner is

respectfully requested to reconsider and withdraw the rejections of Claims 65-76 under 35

U.S.C. 103(a).

Conclusion

      The present invention is not taught or suggested by the prior art. Accordingly, the

Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An

early Notice of Allowance is earnestly solicited. The Commissioner is hereby authorized to

charge any additional fees or credit any overpayment associated with this communication to

Deposit Account No. 19-5425.

                                   Respectfully submitted,

 July 18, 2007   /John R. Brancolini/
Date   Antoine Boucher
                                        James Lee Fischer
                                        Allan Erik Lodberg
                                          by:
                                      John R. Brancolini
                                      Agent for Applicants
                                      Registration No. 57,218

SYNNESTVEDT & LECHNER LLP
1101 Market Street
Suite 2600
Philadelphia, PA 19107
Telephone: (215) 923-4466
Facsimile: (215) 923-2189

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